

## Voluntary Stewardship Program Statewide Advisory Committee (SAC) Meeting & Joint Advisory Committee & Technical Panel (TP) Meeting

Thursday, June 30, 2016  
9am – 4:00pm

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Facilitator – Bill Eller, VSP Coordinator, WSCC

***SPECIAL NOTE:*** The Statewide Advisory Committee will meet by itself from 9am-12noon. At 1pm, it will be joined by the Technical Panel for a joint meeting until 4 pm.

### Meeting Logistics:

Both meetings are in person at the same place: Washington State Farm Bureau, 975 Carpenter Rd. NE, Olympia, WA 98516. [Click here for directions](#). Lunch to be provided for Statewide Advisory Committee (SAC) members only. If you are a SAC member, please [RSVP here](#) so we have an accurate count for lunch. All others will be on their own.

### Attendees:

SAC meeting: Neil Aaland; Scott Kuhta, COM; Wes McCart (SAC); Andy Duanu; Zach Meyer, ECY; Eric Johnson, WSAC; Gary Bahr, WSDA; John Stuhlmiller (SAC); Evan Sheffels, WFB; Sandra Romero (SAC); Telephonic: Andy Huddleston, Pend Oreille County; Adam Cares, Stevens County; Ron Shultz, WSCC; Jennifer Thomas, VSP consultant; John Bolender, Mason CD, Brad Johnson, Palouse CD; Mike See, Skagit County

Joint SAC and TP meeting: all of the above, and Lauren Driscoll, ECY (TP); Brian Cochrane, WSCC (TP); Amy Windrope, WDFW (TP); Bill Eller, WSCC; Telephonic: Kelly McLain, WSDA (TP); Brandon Roozen (SAC)

### STATEWIDE ADVISORY COMMITTEE MEETING

9:00 am: Opening Comments, Introductions, Session Objective & Agenda

- 9:15 am: VSP Program Status
- County contracts and work groups update
    - Challenges for work group success – proceeding without a consultant; local politics; membership and member retention
  - Commission VSP web site; information needs
  - Other issues

Bill Eller gives an update on the status of the 27 VSP counties, their contracts, and work group progress to-date. A group discussion ensues surrounding the topic of challenges to work group success. The group discussed groups opposed to VSP in various counties (Stevens, Spokane, for example).

Strategies for dealing with groups actively opposed to the VSP process were discussed. Commissioner McCart suggests making sure that the work group members know that VSP is voluntary. If a program is regulatory, the County commissioners would need to approve that. The work group is going to vote to move the VSP work plan forward – the Conservation Commission makes that decision through the TP, not the county.

Evan Sheffels says that the scope of VSP is limited, the problem is that VSP is in the GMA statute – there is a perception that this is regulatory.

Eric Johnson understands the concerns, but explains that the VSP legislation was the best path forward for us – it was a compromise.

There is some county commissioner angst against VSP among the new county commissioners. They need to be educated about what VSP is.

Eric Johnson says that different people are at different places – it's like the grieving process.

Continued outreach and engagement is needed – not just one-time. We need to honor the original process – county commissioners, ag community, county planners, etc all need continuing education on VSP.

Andy Huddleston spoke about Spokane County's recent VSP kick-off meeting.

John Stuhlmiller says that the work groups – after initial opposition – need to make sure folks are continually tuned in to the goals and objectives of the program – watershed scale, not parcel.

Spokane County's VSP kick off meetings - two county meetings to start the process. August for first official meeting.

John Stuhlmiller says participation is difficult – just a handful.

Neil Aaland suggests that for County Commissioners – to contact them – hold informal work sessions with the County Commissioners. Invite them to work group meetings.

Adam Cares and Commissioner McCart say that we should update the Commissioners on how things are going. Keep those lines of communication open. Stress having the consultants update their Commissioners. County planning staff – needs more outreach to them. What do they do with the work group's work plan once it is adopted? The work plan will supersede once it comes to Ag.

John Stuhlmiller says that the SAC could be used as a forum for Commissioners and County planning staff to call in and talk with the Conservation Commission and the SAC about VSP. What issues are they having and what questions do they have? Just set a date and time for Counties. Have the consultants present. Monthly webinars among the consultants – have them be able to interact. Share information and documentation during those calls.

Evan Sheffels says we may have Grant County present their VSP table.

Neil Aaland says that the Association of Counties meets in November – more VSP outreach could be done at their conferences. There could be periodic meetings of the work group consultants and planning staff.

We should try to get on the agenda of the County planning director's conference in September.

Commissioner McCart asks how to describe Ag viability – how to address that? How is that being addressed? Post drafts – we need forum for that. Substantive rather than procedural issues during consultant call.

For planning staff, cost is a factor for meeting attendance.

Scott Kuhta says he can help with reaching planners. He explains that COM is updating the WAC to provide some guidance on VSP and GMA to counties and cities. There will be critical area workshops in Vancouver in August and Spokane in October.

John Stuhlmiller says that we could use WSU-Extension or Ecology facilities to have regional meetings - that way they could interact.

Zach Meyer says that ECY can host a hub in Yakima, but he will have to check on proprietary software. WSU could do it also.

The discussion turns to County planning staff running VSP work group meetings without consultants or facilitators.

Commissioner McCart says that counties with multiple conservation districts is a problem. On the ground expertise will be an issue.

Thurston and Chelan counties – started out their work groups with planning departments. Planners have a regulatory mindset. We could talk to the County Commissioners – they realize VSP needs to succeed. Having planning staff run isn't necessarily a problem. WSU Extension can help.

Eric Johnson says maybe we should wait and see – some work groups are off to a slow start. We should monitor for their performance.

Commissioner McCart says maybe we should wait and see what Thurston and Chelan counties come up with. The work plan should be kept simple. We need to be careful that any work plan guidance document doesn't change VSP from voluntary to regulatory.

Neil Aaland says that the TP needs to make that decision as to how much guidance they want to give.

John Stuhlmiller says that the TP needs to be open to different plans and convey they will be open.

Scott Kuhta says that monitoring is easy to explain, but there are other more difficult aspects – viability of Ag.

10:30 am: SAC issues  
▪ Membership and meetings

Bill Eller begins a discussion surrounding SAC membership and how to gather participants. We are missing tribes and environmental representatives. There are a number of different environmental organizations (TNC, WEC, Futurewise) that could be approached to serve on the SAC.

Commissioner McCart says it might be best to have some webinar meetings of the SAC. Locations where the SAC can meet across the state (Spokane, Seattle, Ecology bldg) so that members don't always have to travel to Olympia. We could have face-to-face meetings in Olympia during the legislative session. Face-to-Face meetings could happen once a year.

Mondays and Tuesdays don't work for county commissioners later in the week works best. We should use a Doodle poll.

Commissioner Romero says that Wednesdays are bad.

John Marvin, Stuart Crane and Phil Rigdon from the Yakama Nation might serve on SAC for tribes. In Thurston County the Chehalis tribal representative has been involved.

- Level of support that TP and state agencies provide to Work Groups

Bill Eller summarizes the efforts of the state agencies (ECY, COM, WSDA, WDFW, Conservation Commission, among others) to provide assistance to VSP work groups. We go through each state agency and their strategy.

Gary Bahr talks about Kelly McLain and WSDA's effort.

Zach Meyer speaks to Ecology's outreach effort.

Work group and support by each state agency is discussed.

- Work Plan policy and procedure for SAC and TP review document update
- Work plan submittal timeline for evaluating the 27 plans

Bill Eller moves the discussion to the VSP work group policy and procedure document and timeline for submittal of the 27 work plans.

The group discusses an informal submittal of work plans to the TP – outside of the 45 days. One group member says to no expand the 45 days – to keep that as is, but have a back and forth in front of the TP of the work plan before it is submitted.

John Stuhlmiller doesn't want to taint the well by having the TP do an informal review before the 45 days. But, the TP will need to have some. Perhaps we need to have the SAC look at the work plans instead of the TP? Need to look at the standard in the statute – not what each agency might want.

Eric Johnson says that most of the four state agencies are at the work groups – there should be no surprises. Agencies are there, if they are silent, there shouldn't be a concern.

Commissioner McCart says maybe there isn't a time period needed before submittal to the TP.

Gary Bahr says the state agencies are engaged at the local level – they should be engaged.

We need the SAC added to the timeline document – after the 2 years 9 months column.

Commissioner McCart says that the TP might just have to deal with the timeline as it is – no matter what happens or how many plans come in at the same time.

John Stuhlmiller says the timeline depends on legislative funding. We should have a process to put plans on hold for a time. Advice for the TP – that is what the SAC should be doing. We should stick to the test in the statute of what the TP's duties are. TP shouldn't pass judgment on innovative approaches in the WP.

Eric Johnson says that the Commission is facing a challenge – how many hours will it take to review each plan? If feasible, can it be done? Monitoring is the heart of the TP checklist and whether or not the WP will be successful.

John Stuhlmiller says the SAC should give guidance on TP on their checklist / framework – for example - #4(a)(1) of the Policy and Procedure document – maps are not required – why have a requirement that maps be listed?

Is mapping required in the TP checklist?

What is the approval by the TP supposed to be?

Eric Johnson says that there is a reason for mapping – monitoring. Do you have to map? No. We don't want to add to what is in the statute.

Commissioner McCart says we should follow the statute.

John Stuhlmiller says #4(a)(1) of the Policy and Procedure document creates a new test that isn't in the statute.

What does fail out mean to the TP? How do you fail out if you don't have a map?

The discussion about #4(a)(1) of the Policy and Procedure document, mapping, and identifying critical areas was put on hold until taken up again after lunch with the TP.

## **Joint Meeting – Statewide Advisory Committee and Technical Panel**

1:00 pm: Technical Panel joins the Statewide Advisor Committee: VSP FY 17-19 program budget update

- State agency budget requests for next FY's
- Commission VSP budget decision package
  - VSP counties v. VSP-like counties

Bill Eller presents an overview of the VSP FY 17-19 budget, state agency requests, and the Commission's VSP budget decision package. He explains that the Commission will put in a separate VSP decision package which will include agency funding requests for VSP support. He also explains that the Commission will seek funding for VSP-like counties in a separate budget request.

John Stuhlmiller says there is an argument against funding VSP-like counties. The \$150k – what would the counties do with it? How would it work? Snohomish and Whatcom maybe are asking? From Ag's perspective, they are not VSP. Shouldn't give money to VSP-like counties – would confuse counties.

Amy Windrope says VSP contracts have deliverables, so what would the counties do without that contract in place? Could lose support for VSP.

Eric Johnson says that if the Commission wants to support non-VSP counties; that is fine, just don't mix and match with VSP – make it wholly separate.

Bill Eller explains that he is in email communication with Ron Shultz and Ron confirms the budget ask will be separate. Bill also explains that some VSP work plans (Chelan, Thurston, others) may be submitted for approval in 2018 which would require monitoring to begin during FY 18.

Monitoring will be difficult to cost out.

Amy Windrope wants the agencies to have input on the monitoring budget decision package – common metric and ways to do that – have agency input on how that might get done. She wants that communicated to Ron Shultz.

Eric Johnson says to coordinate with Chelan and Thurston as to what they will monitor for and what their ask will be.

Another ask for Ron Shultz is an update on funding to encourage SAC membership – are their funds available or something in the budget to encourage that? What has become of that?

1:50 pm: Scott Kuhta, Department of Commerce - Critical Areas WACs rulemaking and update to the Critical Areas Guidebook - VSP and guidance for addressing agriculture activities for non-VSP counties.

Scott Kuhta gives his brief presentation on updating the critical areas guidebook. Commerce is integrating VSP and non-VSP and how ag activities are related. Scott explains the WAC rulemaking process – and the rules for Commerce’s involvement if a VSP county fails out or is fund-out. Scott explains that Commerce needs to address VSP in the critical area rules in the WAC’s. We need more guidance in rulemaking process – that is what Commerce will be doing. The timeline is that funding will be just for a year, so they have to finish in July 2017.

Eric Johnson asks about non-VSP counties – what is their sequence for updating their CAO’s?

Scott Kuhta says that there are a number of 2016 counties where the GMA requires CAO updated and revised, if necessary. Those will need to be done by June 30, 2017. They are mostly eastern and central Washington jurisdictions. GMA allows a one year extension for CA regs only. The guidebook will take two years to complete.

Four counties were named in VSP – what if they update and change that? Ask an attorney.

Clallam’s is still out of compliance. They’ve never been GMA compliant. When VSP was adopted, Clallam was identified as one of the four counties that a county could adopt as their own (because they addressed ag activities). King, Whatcom, Clark were the others. Clallam said you can’t rely on your own regulations because you are not a VSP county.

2:15 pm: Work Plan policy and procedure guidance  
Discussion continues on this topic from the morning. Bill Eller gives a summary from the morning’s discussion. He explains that the Policy and Procedure document, Section #3, is from RCW 36.70A.720(1) of the statute – (a) through (l), with two additional criteria pulled out of .720(1).

Commissioner McCart says we stick to what is defined in statute.

John Stuhlmiller says Garfield County is an example. How to identify their critical areas (CA’s)? GMA definition of CA. County ordinance definition. Garfield was still trying to identify what CA’s are. Go beyond definition of statute and WAC? What to do? Use the county CA ordinance is what they should do. Ag activities are in Shoreline definition – might be unique to their county, but definition is there.

Amy Windrope says the RCW 36.70A.725 (2) mandate for the TP is what is adding more to the discussion – how can the work plan answer what the critical areas are unless they are identified in the work plan? Mapping or not mapping?

Commissioner McCart says this would go back to the law – mapping or not. The law is clear.

Amy Windrope asks how we can know if you’re protecting without identifying them and where they are.



Kelly McLain asks how do we understand where VSP applies with a narrative description of CA's and Ag activities? How do we evaluate the work plan without the data or maps?

Commissioner McCart has an example – using a priority species as an example – can't release that information, so don't know where the priority habitat species are.

Amy Windrope asks how we judge where to protect the critical area and enhance Ag viability. Part of the struggle is identifying where VSP applies – where CA's and Ag viability overlap.

VSP applies at the watershed level – so we don't need to know.

Amy Windrope says that at the watershed level is OK.

Kelly McLain says we have a map available to assist counties in identifying the intersection of Ag and CA's. That would help the TP do its job.

Amy Windrope says Chelan's work plan has identified where these two things overlap.

Andy Duanu says Chelan did mapping to show where CA's – how did the TP react to that?

Neil Aaland said they found it useful. It helped inform the discussion.

Eric Johnson says putting the arguments in print (mapping component) is giving the impression that mapping is required. It would link identifying CA with mapping CA.

Amy Windrope says #4 in the Policy and Procedures document is guidance to counties. #3 is required areas of the work plan. #4 is about TP providing info to counties to the kinds of questions to ask – the reasoning behind #3. If #4 is restrictive, we could remove it, but it would be less clear to what we are looking for.

Brian Cochrane says the language is "such that we could measure." We must measure to show gain or loss.

Commissioner McCart asks what are the measuring points and how are you measuring – that is what you are asking.

John Stuhlmiller says that #7, #11, and #12 [under #4(a)(1) of the Policy and Procedure document] are in the statute – that goes to the test. #1 isn't as clear in the statute.

Amy Windrope asks what is the underlying resistance to identification of CA's. This is similar to Chelan – use that model of how they identify.

Commissioner McCart asks what if a work group were to use a narrative. Do you have to measure in the critical area to know it will be protected or not?

Amy Windrope says yes. Ag and CA is where to monitor.

Commissioner McCart asks if a whole valley has Ag, were would that be monitored – where that goal and benchmark would need to be to meet your goal and benchmark.

Gary Bahr says a narrative is allowed, and maps are not required. Some counties will not provide maps. They shouldn't be kicked out. They can include a measurable system in a narrative.

Amy Windrope agrees – doesn't have to be a map.

Commissioner Romero says we all agree on supporting the goals of VSP.

John Stuhlmiller says the statute was designed to be very flexible. How to make sure VSP succeeds - at the watershed level. Can characterize with a narrative – better than absolute numerical standards. Mapping identification isn't required. #7, #11, and #12 [under #4(a)(1) of the Policy and Procedure document] are tangible. The county should use the CA ordinance to identify the CA's in the county. There is confusion as to what definition to use.

A general discussion about re-wording the Checklist under #4(a)(1) of the Policy and Procedure document to get at having the work groups tell the TP what the CA's are that intersect with Ag activities.

John Stuhlmiller says that Chelan's work plan has a section 7.1 where they set out CA's intersection with Ag activities. We should foster that notation, rather than identifying CA's. Conducted an inventory of CA and how they intersect with Ag activities. They should show their work. Chelan is a good example of what a county could do, even without the maps, even if less specific. They should have to demonstrate that they've analyzed the intersection.

Eric Johnson asks if the CA's "clearly described" in the work plan. Describe CA and the overlap between CA and Ag activities. Are CA's and Ag activities clearly described.

Commissioner McCart says we could make this a checklist – list 5 CA's. Do you have #1? If so, does it interact with Ag? If no, say that and you are done. If yes, then analyze.

John Stuhlmiller asks to maintain A-L, but not add anything else. All else is guidance.

Amy Windrope wonders where to include identifying.

John Stuhlmiller says VSP doesn't require CA identification – already identified in CA ordinance.

Commissioner Romero asks if the TP reviews a work plan without identifying the CA, would the TP have to go to the CAO itself.

Commissioner McCart says that some folks will contend that #1 [under #4(a)(1) of the Policy and Procedure document] isn't part of the law. So they don't have to identify that.

Eric Johnson says a work group might be creative enough to come up with a work plan that might satisfy the TP without having to specifically identify the CA's? Section #3(a)(4) [of the Policy and Procedure document] would cover that.

Amy Windrope says she is ok with moving down to Section #3(a)(4) [of the Policy and Procedure document] if folks feel better with it there.

John Stuhlmiller says the TP must come up with ways to discuss what they are looking for. The SAC and TP must communicate the same language.

Amy Windrope says "area" is a proxy for functions and values – so when RCW 36.70A.725(2) says "area" it really means functions and values (see the definition of protect and enhance in .703). CA's are five things, not function and values.

A general discussion of "CA" versus CA functions and values occurs.



Scott Kuhta says the GMA definition of CA refers to eco-systems – is that a modifier?

Amy Windrope says ecosystem is process, structure, and function.

John Stuhlmiller says VSP is an alternative to GMA.

Amy Windrope says yes, but VSP is using the same definition as GMA.

Bill Eller says he will roll up the changes the group has identified in the Policy and Procedures document, and bring those back to the group at the next meeting.

Commissioner McCart says we all need to be on same page – for if a thumbs down happens, the work plan comes to SAC.

Should we move ahead with guidance checklist document.

Commissioner McCart says we should communicate back to the work groups that there isn't any checklist.

Neil Aaland says we should include something that says mapping isn't required.

We need to rework Section 4(a)(1) of the Policy and Procedures document.

Commissioner McCart says repeatable might change.

Brian Cochrane says you can replicate, but get a different result – that is fine. Just must be replicatable. Whatever method used is repeatable (the result could be different), but the method is repeatable.

A general discussion of including ag viability analysis into section 4 of the Policy and Procedure document occurs. We should mirror the requirement for the CA. What are the requirements the TP needs to assess for Ag viability?

General discussion – how to measure Ag viability and what to incorporate in the work plan for the TP to review?

Commissioner McCart says the benchmark must be tied to Ag activities and how that relates to Ag viability. They need to be measured so that Ag activities that affect CA's are measured. Is the benchmark adequately addressing Ag activities and CA's as opposed to other factors?

Gary Bahr says that is important – could be other causes that are degrading CA's beyond Ag – must set monitoring to account for those?

Amy Windrope asks is there a measurable benchmark connected to the implementation measure to maintain the viability of Ag? Through the voluntary activities, is the viability of Ag diminished? Protect CA while maintaining Ag viability? How to look for that?

Andy Duanu says Spokane's looks at the voluntary incentive programs as to helping with Ag viability.

Amy Windrope says collectively, some voluntary incentive programs, if used by all, might affect the viability of Ag.

Commissioner McCart says some activities may affect others – individually.

Andy Duanu says we are looking at Ag viability in the watershed, not the individual.

John Stuhlmiller says adaptive management is included in the statute in many places.

The group holds a general discussion about what to include in the Policy and Procedure document, Section 4.

Andy Duanu says folks are concerned about if VSP is being used for regulatory issues. The more added to the list will create more fear this is regulatory.

John Stuhlmiller says this section should say – “in reviewing the work plan, the TP will be looking for”.... Change it so that there are just two sections – and flesh those out.

1. CA protection / enhancement
2. Ag viability

Evan Sheffels says this section is to help for technical assistance and outreach – what the work plan is doing – an accounting system. That is what it should be. We should avoid the perception that this is regulatory.

Brian Cochrane says we need to focus on the RCW 36.70A.720(1) section – what the overall goal is – making sure that is accurate.

Maybe question 4c (adequately funded) [of the Policy and Procedures document] – maybe that isn't appropriate? Maybe that is something that doesn't need to be in there.

Commissioner McCart says some folks might not want to participate, but they are still doing practices – direct v. indirect practices being captured in the work plan.

We are looking for consistency, repeatability, and predictability in data analysis.

Gary Bahr says that he and Kelly McLain will look at a definition of Ag viability – what is the TP looking for to demonstrate AG viability. What will we ask of the work plan to demonstrate Ag viability.

Commissioner McCart says Chelan didn't discuss Ag viability in its work plan.

Evan Sheffels says Thurston County has a sub-committee that is working on that – do you include it in the work plan?

We need to review what the statute requires for Ag viability – only the intersection of CA or more?

3:30 pm: Future meeting topics, & future actions; next meeting – joint meeting?

Agenda topics for the next meeting:

- Budget – monitoring. Implementation
- Ag viability definition
- TP Framework
- Timeline – informal TP vetting, or not?

4:00 pm: Adjourn